

With new technology and mobile devices making it easier to use GPS technology to track the location of individuals, Rep. Peter Welch on Wednesday announced bipartisan House legislation that will catch the law up with rapidly changing technology.

In Montpelier and Brattleboro Wednesday, Welch announced the Geolocation, Privacy and Security (GPS) Act (H.R. 2168), which he wrote with Rep. Jason Chaffetz (R-Utah). There are no clear guidelines on the use of electronically-obtained location data, also known as geolocation information. As a result, there are no clear rules for how this data can be used, accessed or sold by law enforcement, commercial entities or private citizens. The GPS Act creates a legal framework to clarify when and how geolocation information can be accessed and used.

“Consumers greatly benefit from a multitude of new technologies and devices, but there is also a downside,” Welch said. “Abuse of this technology can lead to an invasion of privacy and civil liberties. Our bill provides a clean legal framework on when and how this technology can be used. It provides much-needed clarity to consumers, law enforcement and commercial providers.”

The GPS Act would:

- Provide clarity for government agencies, commercial service providers, and the public regarding the legal procedures and protections that apply to electronic devices that can be used to track the movements of individual Americans

- Require the government to show probable cause and get a warrant before acquiring the geolocation information of a U.S. person, while setting out clear exceptions such as emergency or national security situations or cases of theft or fraud

- Create criminal penalties for surreptitiously using an electronic device to track a person's movements that parallel those for wiretapping

- Prohibit commercial service providers from sharing customers' geolocation information with outside entities without customer consent

H.R. 2168 was referred to the House Judiciary Committee. Sen. Patrick Leahy (D-Vt.), a leader in Congress on this issue, has introduced related legislation in the Senate.